

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES, LLC, Defendant.	Adv. Pro. No. 08-01789 (CGM) SIPA Liquidation (Substantively Consolidated)
In re: BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. THE GERALD AND BARBARA KELLER FAMILY TRUST, GERALD E. KELLER, individually and in his capacity as Trustee of the Gerald and Barbara Keller Family Trust, BARBARA KELLER, individually and in her capacity as Trustee of the Gerald and Barbara Keller Family Trust, Defendants.	Adv. Pro. No. 10-04539 (CGM) Appeal No. 1:21-cv-08678-JPO

**APPELLEE'S DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL**

Under Rule 8009 of the Federal Rules of Bankruptcy Procedure, Appellee Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa-lll, and the chapter 7 estate of Bernard L. Madoff, hereby submits the following designation of additional items to be included in the record on appeal in connection with the

notice of appeal filed on October 13, 2021 (ECF No. 140) from the Memorandum Decision Granting SIPA Trustee's Motion for Summary Judgment and Denying Defendants' Cross Motion for Summary Judgment (ECF No. 136) and the Judgment (ECF No. 142) entered by the United States Bankruptcy Court for the Southern District of New York, and respectfully submits as follows:

**DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED
IN THE RECORD ON APPEAL**

The Trustee hereby designates the following additional items to be included in the record on appeal:

Filing Date	ECF No.	Docket Text
04/01/2009	08-cv-10791 (S.D.N.Y.) LLS ECF No. 36	MOTION for Leave to File Involuntary Bankruptcy Petition <i>NOTICE OF MOTION FOR PARTIAL RELIEF FROM INJUNCTION</i> . Document filed by Blumenthal & Associates Florida General Partnership, Marc Cherno, Judith Goldman, Horowitz Family Trust, Stephen Morganstern, Martin Rappaport Charitable Remainder Unitrust, Martin Rappaport. (Gluck, Matthew) (Entered: 04/01/2009)
04/01/2009	08-cv-10791 (S.D.N.Y.) LLS ECF No. 37	MEMORANDUM OF LAW in Support re: 36 MOTION for Leave to File Involuntary Bankruptcy Petition <i>NOTICE OF MOTION FOR PARTIAL RELIEF FROM INJUNCTION</i> . Document filed by Marc Cherno, Judith Goldman, Horowitz Family Trust, Stephen Morganstern, Martin Rappaport Charitable Remainder Unitrust, Martin Rappaport, Blumenthal & Associates Florida General Partnership. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3) (Gluck, Matthew) (Entered: 04/01/2009)
04/13/2009	09-11893 ECF No. 1	Involuntary Petition (Chapter 7) Against: Bernard L. Madoff. Filed by Petitioning Creditor(s): Blumenthal & Associates Florida General Partnership, Martin Rappaport Charitable Remainder Unitrust, Martin Rappaport, Marc Cherno, Steven Morganstern. (Attachments: #1 Exhibit A) (Landers, Jonathan) (Entered: 04/13/2009)
04/21/2009	09-11893 ECF No. 13	Notice of Appointment of Trustee <i>Alan Nisselson</i> filed by Brian Shoichi Masumoto on behalf of United States Trustee. (Attachments: #1 Affidavit of Disinterested) (Masumoto, Brian) (Entered: 04/21/2009)

Filing Date	ECF No.	Docket Text
05/05/2009	08-01789 ECF No. 196	Memorandum of Law <i>in Support of Joint Motion For Entry of Order Substantively Consolidating the Estate of Bernard L. Madoff Into the SIPA Proceeding of Bernard L. Madoff Investment Securities LLC</i> (related document(s) 195) filed by David J. Sheehan on behalf of Irving H Picard Esq. (Sheehan, David) (Entered: 05/05/2009)
05/05/2009	08-01789 ECF No. 197	Affidavit of Michael Slatterly, Jr. <i>In Support of Joint Motion of Trustee and Securities Investor Protection Corporation For an Order Substantively Consolidating the Estate of Bernard L. Madoff With the SIPA Proceeding of Bernard L. Madoff Investment Securities LLC</i> (related document(s) 196, 195) filed by David J. Sheehan on behalf of Irving H Picard Esq. (Attachments: #1 Exhibit 1, #2 Exhibit 2, #3 Exhibit 3, #4 Exhibit 4, #5 Exhibit 5, #6 Exhibit 6, #7 Exhibit 7, #8 Exhibit 8, #9 Exhibit 9, #10 Exhibit 10, #11 Exhibit 11, #12 Exhibit 12, #13 Exhibit 13, #14 Exhibit 14, #15 Exhibit 15, #16 Exhibit 16, #17 Exhibit 17, #18 Exhibit 18, #19 Exhibit 19, #20 Exhibit 20, #21 Exhibit 21, #22 Exhibit 22, #23 Exhibit 23, #24 Exhibit 24, #25 Exhibit 25) (Sheehan, David) (Entered: 05/05/2009)
06/04/2009	08-01789 ECF No. 238	Response to Motion: <i>Response of Alan Nisselson, Chapter 7 Trustee of Bernard L. Madoff, to the Joint Motion of SIPC and SIPA Trustee for Entry of Order Substantively Consolidating the Estate of Bernard L. Madoff and the SIPA Liquidation Proceeding of Bernard L. Madoff Investment Securities LLC (Doc. No. 195)</i> filed by Regina Griffin on behalf of Alan Nisselson. with hearing to be held on 6/9/2009 at 10:00 AM at Courtroom 623 (BRL) (Attachments: #1 Exhibit A, #2 Exhibit B, #3 Exhibit C, #4 Exhibit D, #5 Exhibit E, #6 Exhibit F, #7 Exhibit G) (Griffin, Regina) (Entered: 06/04/2009)
01/18/2011	10-04539 ECF No. 3	Summons and Notice of Pre-Trial Conference Against Barbara Keller Answer Due: 3/21/2011; Gerald E. Keller Answer Due: 3/21/2011; The Gerald and Barbara Keller Family Trust Answer Due: 3/21/2011. Pre-Trial date to be determined by Court Order. (Cales, Humberto) (Entered: 01/18/2011)
01/18/2011	10-04539 ECF No. 4	Affidavit of Service (related document(s) 2, 1, 3) filed by Marc E. Hirschfield on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Hirschfield, Marc) (Entered: 01/18/2011)

Filing Date	ECF No.	Docket Text
08/29/2016	10-04995-ECF No. 68	Memorandum of Law in Support of Motion to Compel Discovery, for an Order Finding Plenary Waiver of Privilege and for an Order Barring the Trustee from Using at Trial any Evidence Not Produced During Fact Discovery filed by Helen Davis Chaitman on behalf of Sara Seims, as trustee of the Trust u/art Fourth o/w/o Israel Wilenitz, Trust u/art Fourth o/w/o Israel Wilenitz, Evelyn Berezin Wilenitz, individually, and as trustee and beneficiary of the Trust u/art Fourth o/w/o Israel Wilenitz. (Chaitman, Helen) (Entered: 08/29/2016)
08/29/2016	10-04995-ECF No. 69	Motion to Compel filed by Helen Davis Chaitman on behalf of Sara Seims, as trustee of the Trust u/art Fourth o/w/o Israel Wilenitz, Trust u/art Fourth o/w/o Israel Wilenitz, Evelyn Berezin Wilenitz, individually, and as trustee and beneficiary of the Trust u/art Fourth o/w/o Israel Wilenitz. (Attachments: # 1 Proposed Order) (Chaitman, Helen) (Entered: 08/29/2016)
10/14/2016	10-04995 ECF No. 72	Opposition / <i>Trustee's Opposition to Defendants Motion to Compel Discovery</i> (related document(s)68) filed by Edward John Jacobs on behalf of Irving H. Picard trustee for the liquidation of Bernard L. Madoff Investment Securities LLC. (Jacobs, Edward) (Entered: 10/14/2016)
10/14/2016	10-04995 ECF No. 73	Declaration of <i>Edward J. Jacobs in Support of Trustees Opposition Motion to Compel</i> (related document(s)72) filed by Edward John Jacobs on behalf of Irving H. Picard trustee for the liquidation of Bernard L. Madoff Investment Securities LLC. (Attachments: #1 Exhibit A, #2 Exhibit B, #3 Exhibit C, #4 Exhibit D, #5 Exhibit E, #6 Exhibit F, #7 Exhibit G, #8 Exhibit H, #9 Exhibit I) (Jacobs, Edward) (Entered: 10/14/2016)
05/23/2017	10-04728 ECF No. 69	Opposition Defendant's Memorandum of Law in Opposition to Trustee's Motion for Substitution of Defendant and in Support of Cross-Motion to Dismiss Complaint (related document(s)65) filed by Helen Davis Chaitman on behalf of Bruno L. Digiulian. (Chaitman, Helen) (Entered: 05/23/2017)
08/26/2019	08-01789 ECF No. 18961	Written Opinion Signed On 8/26/2019. Re: So Ordered Memorandum Decision And Order Affirming Order Of Discovery Arbitrator. (Barrett, Chantel) (Entered: 08/26/2019)

Filing Date	ECF No.	Docket Text
11/15/2019	08-01789 ECF No. 19138	Motion to Approve /Trustees Memorandum of Law in Support of His Motion for Fees and Expenses Pursuant to Fed. R. Civ. P. 37(A)(5)(B) filed by David J. Sheehan on behalf of Irving H Picard Esq. with hearing to be held on 12/17/2019 at 10:00 AM at Courtroom 723 (SMB) Responses due by 12/10/2019. (Attachments: # 1 Notice of Motion) (Sheehan, David) (Entered: 11/15/2019)
11/15/2019	08-01789 ECF No. 19139	Declaration /Declaration of Maximillian S. Shifrin in Support of Trustees Motion for Attorneys Fees Pursuant to Fed. R. Civ. P. 37(A)(5)(B) (related document(s)19138) filed by David J. Sheehan on behalf of Irving H Picard Esq. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Sheehan, David) (Entered: 11/15/2019)
11/21/2019	08-01789 ECF No. 19157	Written Opinion Signed On 11/21/2019. Re: Post-Trial Findings Of Fact And Conclusions Of Law (10-4658, 10-4377) (Barrett, Chantel) (Entered: 11/21/2019)
01/13/200	08-01789 ECF No. 19252	Opposition MEMORANDUM OF LAW IN OPPOSITION TO THE TRUSTEES MOTION FOR ATTORNEYS FEES AND EXPENSES PURSUANT TO FED. R. CIV. P. 37(a)(5)(B) (related document(s)19138) filed by Helen Davis Chaitman on behalf of Donald A. Benjamin, Bruno Digiulian, Bruno L. Digiulian, Russell L Dusek, Russell Laslow Dusek, Estate of Boyer Palmer, Estate of Boyer Palmer, Estate of Evelyn Berezin, Estate of Evelyn Berezin Wilenitz, Edyne Gordon, Toby Harwood, Felice J. Perlman, Sanford S. Perlman, Train Klan, a Partnership. (Chaitman, Helen) (Entered: 01/13/2020)
01/17/2020	08-01789 ECF No. 19258	Reply to Motion /Trustee's Reply Memorandum of Law in Further Support of His Application for Fees & Expenses Pursuant to Fed. R. Civ. P. 37(a)(5)(B) [Adv. Pro. Nos. 10-04818, 10-04914, 10-04826, 10-04541, 10-04905, 10-04621] (related document(s)19138) filed by David J. Sheehan on behalf of Irving H. Picard. (Sheehan, David) (Entered: 01/17/2020)
03/20/2020	08-01789 ECF No. 19423	Written Opinion Signed On 3/20/2020. Re: Memorandum Decision Granting Fees and Expenses Pursuant To Fed. R. Civ. P. 37(A)(5)(B) (10-4995, 10-4818, 10-4914, 10-4826, 10-4644, 10-4541, 10-4728, 10-4905 and 10-4621) (related document(s)19138) (Barrett, Chantel) (Entered: 03/20/2020)

Filing Date	ECF No.	Docket Text
03/17/2020	10-04889 ECF No. 96	Transcript regarding Hearing Held on 3/17/20 at 10:04 AM RE: Status Conference. Remote electronic access to the transcript is restricted until 6/15/2020. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 3/24/2020. Statement of Redaction Request Due By 4/7/2020. Redacted Transcript Submission Due By 4/17/2020. Transcript access will be restricted through 6/15/2020. (Cales, Humberto) (Entered: 03/19/2020)
03/30/2020	08-01789 ECF No. 19455	Notice of Settlement of an Order Granting Trustee's Motion for Fees and Expenses Pursuant to Fed. R. Civ. P. 37(a)(5)(B) (related document(s)19138) filed by Nicholas Cremona on behalf of Irving H. Picard. Objections due by 3/31/2020, (Attachments: # 1 Exhibit 1) (Cremona, Nicholas) (Entered: 03/30/2020)
04/01/2020	08-01789 ECF No. 19461	Order Signed On 4/1/2020 Re: Granting Trustees Motion For Fees And Expenses Pursuant To Fed. R. Civ. P. 37(A)(5)(B) (Related Doc # 19138). (Barrett, Chantel) (Entered: 04/01/2020)

Dated: November 10, 2021
New York, New York

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Liquidation of Bernard L. Madoff Investment
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